

Applicant: Michael P. Ronan et al
Serial No.: 10/058,594
Page No.: 2

Group II: Claims 1-22, drawn to a container.

It is further asserted that the pending application is directed to the following patentably distinct species:

Species I: the container formed by the blank in Fig. 4.

Species II: the container formed by the blank in Fig. 5.

Applicants respectfully traverse both of these restriction requirements.

It is asserted that the inventions of Group I and Group II are distinct because "the formation of the knock-outs can be carried out by other means other than the printing press, i.e., hand punching." It is respectfully submitted that this position does not support the asserted restriction requirement because the allegedly distinct subject matter is not present in the broadest method claims. Although it is accurate to state that the knock-outs can be formed without using a printing press, language relating to the use of a printing press to form the knock-outs is present only in dependent method claims 27-29. The independent and intervening claims from which claims 27-29 depend do not include the allegedly distinct subject matter. In fact, method claims 23-26 and 30-34 do not recite any particular mechanism for forming the knock-outs. As a result, it is respectfully submitted that the articulated restriction requirement cannot possibly be proper with respect to method claims 23-26 and 30-34.

Further, Applicant notes that restriction is proper only when prosecution of the allegedly distinct inventions would place "a serious burden on the examiner." (MPEP § 803.01). It is respectfully submitted that prosecution of the Group I and Group II claims simultaneously will not present a serious burden. Here, the allegedly distinct inventions are directed to a carton

Applicant: Michael P. Ronan et al
Serial No.: 10/058,594
Page No.: 3

having a unique construction and a method for forming a carton with that construction. There is no indication that the allegedly distinct inventions have been classified in different classifications, and Applicants believe that prosecution of either the Group I or Group II claims would likely be accompanied by the same search and analysis of the same prior art references. Accordingly, separation of the allegedly distinct inventions would not relieve the Examiner of any burden--let alone a *serious* burden.

Also, as noted above, the restriction requirement between Group I and Group II cannot be proper with respect to claims 23-26 and 30-34. This results in continued prosecution of at least apparatus claims 1-22 and method claims 23-26 and 30-34. As a result, the only potential benefit of maintaining this restriction requirement would be to withdraw dependent claims 27-29 from further consideration. Applicants respectfully submit that the continued prosecution of dependent claims 27-29 in this application would not place a serious burden on the Examiner particularly because the subject matter of method claims 23-26 and 30-34 would be searched and considered by the Examiner.

Applicants also traverse the restriction requirement between the Species I and Species II claims. Applicants assume that this restriction requirement is based on the presence of an uncoated stripe on the blank of Fig. 5. Again, Applicants respectfully submit that prosecution of both species in this application will not place a serious burden on the Examiner. In fact, election of the Species II claims results in prosecution of all of the claims because all of the claims read on the blank of Fig. 5 or the method of manufacturing a carton with the blank of Fig. 5. None of the pending apparatus claims preclude the presence of an uncoated stripe and none of

Applicant: Michael P. Ronan et al
Serial No.: 10/058,594
Page No.: 4

the pending method claims preclude the step of forming an uncoated stripe. For example, claim 1 does not specifically recite an uncoated stripe running through the knock-outs, but it does not preclude the presence of an uncoated stripe either. As a result, election of Species II results in election of claims 1-34 if the restriction requirement between the Group I and Group II claims is withdrawn or in the election of claims 1-22 if the restriction requirement between Group I and Group II is maintained.

Finally, Applicants submit that claims 1, 3, 14 and 16-22 are generic to both Species I and Species II. If the restriction requirement between Group I and Group II is withdrawn, Applicants further submit that method claims 23-34 are generic to both Species I and Species II.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of these restriction requirements.

As noted above, if the restriction requirement between Group I and Group is maintained, Applicants provisionally elect to proceed with the prosecution of the Group II claims, namely claims 1-22. If the restriction requirement between Species I and Species II is maintained, Applicants provisionally elect to proceed with the prosecution of the Species II claims, namely claims 1-34 (or claims 1-22 if the restriction requirement between Group I and Group II is maintained).

Applicant: Michael P. Ronan et al
Serial No.: 10/058,594
Page No.: 5

In view of this Response, Applicant respectfully requests prosecution of the application on the merits.

Respectfully submitted,

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